

INVOKING THE AERIALLY DEPOSITED LEAD VARIANCE

NOTIFICATION PROCEDURES TO DTSC (PART I); **PUBLIC INFORMATION PROCEDURES (PART II);** **OTHER ITEMS (PART III)**

The following are guidelines for project managers, project engineers, and hazardous waste management office staff to consider when invoking or implementing the variance for the reuse of aerially deposited lead contaminated soils. These guidelines are divided into three parts: Part I provides the steps to follow when properly notifying the California Department of Toxic Substances Control (DTSC) that a Caltrans district project will be invoking the variance (see variance page 5, Section r); Part II clarifies the public information requirements (see variance, page 7, Section v); and Part III clarifies other variance implementation procedures. A copy of the variance is included as an attachment.

PART I. NOTIFICATION PROCEDURES TO THE DTSC

When invoking the variance, a letter containing the following information is required to be sent at least five days prior to construction to: Rick Moss, Division Chief; Hazardous Waste Management Program; California Department of Toxic Substances Control; 400 P Street, 4th Floor; P.O. Box 806; Sacramento, CA 95812-0806 (see Exhibit A). In December, 2000, DTSC will move and the new address will be 1001 I Street, Sacramento, CA 95814 . The information should contain the following elements pursuant to the variance requirements. Section r:

1. A plan drawing designating the boundaries of the corridor where lead-contaminated soils will be excavated, stockpiled, buried, and covered (see Exhibit B).
2. A list of other Caltrans projects to be affected by the variance and identified within the corridor boundaries (see Exhibit A).
3. A list of Caltrans contractors for each project that will be conducting any phase of work affected by the variance (see Exhibit A).

4. Duration of corridor construction (as two examples – 360 working days or excavation, hauling and grading will occur from October, 2000, to March 2001).
5. Location where sampling and analytical data used to make lead concentration level determinations are kept (for example, a particular Caltrans project file; or see Exhibit A).
6. Name and telephone number (including area code) of project resident engineer and project manager.
7. Location where Caltrans and contractor health and safety records are kept (see Exhibit A).
8. Location where project special provisions are kept (including page or section number) for soil excavation, transportation, stockpile, burial, and placement of cover material (see Exhibit A).
9. Location where project drawings are kept (including drawing page number) for soil excavation, burial, and placement of cover material in plan and cross section (For example, “The project plans are located at the resident engineer’s office located at 5th and Main Streets, City of Fresno. See page xxx of contract xxx. Also, see Exhibit A).
10. Project modifications pertaining to the excavation and reuse of lead contaminated soils must be updated and indicated to DTSC five days prior to construction (see Exhibit A).
11. Type of environmental document for each project, date of adoption, document title, Clearing House number and where the document is available for review. A copy of the Notice of Exemption for any project shall be submitted to the DTSC Headquarters Project Manager within five (5) days of signing.

Note: A copy of the notification package must be sent to: Ranny Eckstrom,
Environmental Engineering Processes Office - Hazardous Waste;
Division of Environmental Analysis;
1120 N Street, Room 4301 (MS 27);
P.O. Box 942874, Sacramento, CA 94274-0001.

PART II. PUBLIC INFORMATION PROCEDURES

The following part on the public information procedures is divided into two sections: (A) deals with projects initially identified and public noticed in the CEQA proceedings, and (B) provides additional public notice requirements for those projects not included within the original district variance project lists.

(A) Pursuant to the variance requirements, Section v, whenever the variance is invoked on projects originally listed, the district shall:

1. Maintain current fact sheets at the resident engineer's office and the Caltrans District office and make available to anyone expressing an interest in variance-related work (see Exhibit C).
2. Maintain a binder containing copies of all reports submitted to DTSC for invoking the variance. Normally, the binder is maintained by the district hazardous waste management office. The district shall ensure that the binders are readily accessible to the public.

Additionally, for invoking the variance for a district project that may be community sensitive, it is suggested and advised that the district publish a public notice in a local newspaper, as well as inform the affected city and county governments (see Exhibit D). Further, the project manager may wish to develop a specific project fact sheet for distribution to residents and the appropriate agencies (see Exhibit E).

(B) For district projects not included in the list of district projects that were public noticed and cited in the original fact sheet (in compliance with DTSC's CEQA requirements), the following are required:

1. Provide public notice (run as a display advertisement) in a newspaper of local general circulation in the affected area (see Exhibit D). This should be done a minimum of two weeks prior to construction.
2. Inform affected city and county government offices and other parties as appropriate (see Exhibit F). Include a copy of the fact sheet (see Exhibit C) or, if developed, a project specific fact sheet (see Exhibit E).

3. Consider the use of Exhibit G for additional public notification, pursuant to suggestions from DTSC.

PART III. OTHER RELATED ITEMS – BILL OF LADING, LEAD SPECIAL PROVISIONS, AS-BUILTS, HEALTH AND SAFETY PLAN, REGIONAL WATER QUALITY CONTROL BOARD

The following informational items are provided to clarify and facilitate the variance implementation:

Bill of lading – The variance also provides exception from the manifesting and transportation requirements from Division 20 of the Health and Safety Code. Although a hazardous waste/material manifest is not required, a bill of lading is still required to be used (Page 5, Section q). A sample bill of lading is provided (see Exhibit H).

Lead special provisions – Whenever a project under construction encounters soils contaminated with hazardous levels of lead, the “*Statewide Roadside Lead Special Provisions – 5.1*” should be included in the construction contract. Consult the district Office Engineers, hazardous waste management office, or environmental engineering office for information.

As-builts – The variance requires final placement of lead-contaminated soils to be incorporated in the project’s as-built drawings (Page 4, section h). As stated, the as-built drawings shall be annotated with the location, concentration, and volume of lead-contaminated soils. The as-built drawings shall also state the depth of the cover. These as-built drawings shall be retained by the district until the rights of way or property ownership is relinquished.

Health and Safety Plans – Under the variance circumstances, the appropriate safety order for potential lead exposures is Title 8, Section 1532.1. Although the monitoring and exposure standards must be based on these construction standards, the project-specific health and

safety plan is recommended to contain elements of a site safety plan as listed in Title 8, section 5192 (b)(4)(B) (see Exhibit I).

Regional Water Quality Control Boards – Written notification should be provided to the RWQCB at least 30 days prior to advertisement for bids of projects that involve soils subject to this variance. This notification period will allow a determination by the RWQCB of the need for development of Waste Discharge Requirements (WDRs) or written conditional approvals by RWQCB staff. Although NPDES Storm Water Permits only require 30 days notice to the RWQCBs, WDRs can take up to 180 days to be developed. If it appears that a regional board is going to require WDRs , the districts should be working closely with the regional board office to avoid project delay or change orders.